

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM

UNITED STATES OF AMERICA  
Plaintiff,

vs.

JAE HEE KIM,  
Defendant.

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USDC CR Cs. No. 05-00005-03

**REQUEST TO RELEASE  
PRESENTENCE REPORT**

**Re: Request to Release Pre-sentence Report**

On October 27, 2007, the U.S. Probation Office received a letter from defendant's appellate attorney, which requested for a copy of the pre-sentence investigation report and any addendums for purpose of appeal of conviction. A copy of the attorney's letter is attached. The pre-sentence report and other material are protected from disclosure and may not be compelled except under circumstances, to include: if there exists explicit authority to disclose such information; if the court determines there is demonstrated compelling need for disclosure; and if the court, at its discretion, authorizes such disclosure. The pre-sentence report and addendum may be pertinent to the defendant's appeal and the authority to release materials is respectfully requested.

Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON  
Acting Chief U.S. Probation Officer

By



/s/ CHRISTOPHER J. DUENAS  
U.S. Probation Officer Specialist

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**Phillip A. Treviño**

*Attorney at Law*

137 North Larchmont, #801  
Los Angeles, California 90004

October 26, 2007

Mr. Christopher Duenas  
U.S. Probation Office  
District of Guam  
U.S. Courthouse, 2d Floor  
520 W. Soledad Avenue  
Hagatna, Guam 96910

In re: USA v. Kim, CR 05-00005-JSO, CA 05-10633

Dear Mr. Duenas:

I am the attorney of record for Mr. Jae Hee Kim, acting under appointment by the U.S. Court of Appeals for the Ninth Circuit. My appointment was made pursuant to the Ninth Circuit's order dated June 14, 2007, which granted your district's request for new counsel from outside the district to be appointed for purposes of this appeal, and the U.S. District Court for the Central District of California's order dated July 20, 2007, by which I was so appointed. As is customary in my home district, I have no formal order memorializing my appointment, but the Ninth Circuit online PACER docket confirms the same.

By order entered October 22, 2007, the Ninth Circuit has directed the filing of five (5) copies of the presentence investigation and report (PSR) (and any addenda) prepared in this matter. Ordinarily I would have obtained this document as part of the file materials produced to me by former counsel. However, in this matter my attempts to obtain file materials from my client's former counsel, Mr. Curtis C. Van de Veld, have been unsuccessful. I am accordingly requesting that your good Offices provide me with such a copy so that I may in turn forward it to the Ninth Circuit.

I thank you kindly for your attention to and assistance with this matter.

Sincerely,

Phillip A. Treviño

PT:op